

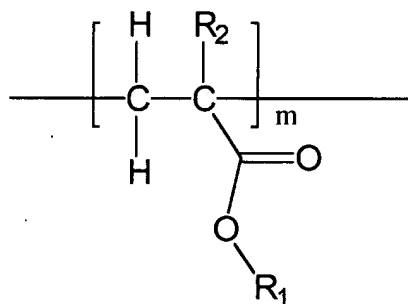
## REMARKS

Claims 1-33 are pending in this application and stand rejected. By the present amendment, claims 1, 13, 14, 24 and 29 have been amended. The Examiner's reconsideration of the rejection in view of the above amendment and the following remarks is respectfully requested.

### Rejections Under 35 U.S.C. § 102:

Claims 1, 5, 6, 11-17, and 22-33 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Foster et al. (U.S. Patent No. 6,054,248) for the reasons stated on page 2 of the Office Action.

It is respectfully submitted that, at the very minimum, amended claims 1, 13, 24, and 29 are patentably distinct over Foster because Foster does not disclose a method of forming an underlayer of a bi-layer resist film comprising, *inter alia*, a material having a methacrylate polymer represented by the following chemical formula:



wherein  $R_1$  is one selected from a group consisting of an aromatic compound, a hydrocarbon of 1 to 5 carbon atoms, an aliphatic hydrocarbon of 1 to 15 carbon atoms, a lactone of 1 to 15 carbon atoms, an ether of 1 to 15 carbon atoms and a carboxylic acid of 1 to 15 carbon atoms, as essentially claimed in claims 1, 13, 24, and 29.

Although Foster may disclose a methacrylate polymer, Foster does not disclose a material having a methacrylate polymer, as shown above, where R<sub>1</sub> is a functional group selected from a group consisting of an aromatic compound, a hydrocarbon of 1 to 5 carbon atoms, an aliphatic hydrocarbon of 1 to 15 carbon atoms, a lactone of 1 to 15 carbon atoms, an ether of 1 to 15 carbon atoms and a carboxylic acid of 1 to 15 carbon atoms, as essentially claimed in claims 1, 13, 24 and 29. Thus, the material having a methacrylate polymer with one of the functional groups listed above as claimed in claims 1, 13, 24 and 29 is patentably distinct and not anticipated by Foster.

Claims 5, 6, 11 and 12 depend from claim 1. Claims 14, 15, 16, 17, 22 and 23 depend from claim 13. Claims 25, 26, 27 and 28 depend from claim 24. Claims 30, 31, 32 and 33 depend from claim 29. As such, these dependent claims are believed to be allowable for at least the same reasons as their respective base claims 1, 13, 24 and 29.

Accordingly, withdrawal of the claim rejections under 37 U.S.C. § 102 is respectfully requested.

**Rejections Under 35 U.S.C. § 103:**

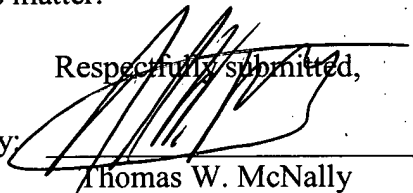
Claims 2 - 4 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Foster in view of Schaedeli et al. (U.S. Patent No. 6,146,793) for the reasons stated on page 9 of the Office Action. Claims 2 - 4 depend from claim 1. These dependent claims are believed to be patentable over Foster in view of Schaedeli at least for the same reasons given for claim 1.

Claims 6 - 10 and 17 - 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Foster in view of Wong et al. (U.S. Patent No. 6,319,655) for the reasons stated on page 10 of the Office Action. Claims 6 - 10 depend from claim 1.

Claims 17 – 21 depend from claim 13. These dependent claims are believed to be patentable over Foster in view of Wong at least for the same reasons given for claims 1 and 13.

Accordingly, withdrawal of the rejections under 37 U.S.C. § 103 is respectfully requested.

In view of the foregoing amendment and remarks, it is respectfully submitted that all the claims now pending in the application are in condition for allowance. Early and favorable action is respectfully requested. Examiner is invited to contact the undersigned if the Examiner has any questions or comments in this matter.

Respectfully submitted,  
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